

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claim 1 is amended. Claims 11 and 12 were previously cancelled. Claims 1-10, 13 and 14 are pending in the application.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because: the amendments were not earlier presented because the Applicant believed in good faith that the cited references did not disclose the present invention as previously claimed; and the amendment does not significantly alter the scope of the claim and places the application at least into a better form for purposes of appeal.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

I. Rejection under 35 U.S.C. § 102

In the Office Action, at page 2, claims 1, 7 and 10 were rejected under 35 U.S.C. § 102(a) and (e) as being unpatentable over U.S. Patent No. 6,862,403 to Pedrotti et al. This rejection is respectfully traversed because Pedrotti does not discuss or suggest:

a housing having an air inlet port and an air outlet port arranged to be in and/or closely adjacent with opposing surfaces of the housing, respectively, with a plug provided on a surface of the housing to be connected to a power source; and

a fan within the housing operable with power from the power source,

wherein the air circulating device is configured to be structurally supportable by the plug when connected to a wall outlet, and

wherein the rotating direction of the fan is changeable such that air blowing directions of the inlet port and outlet port are selectively changeable,

as recited in amended independent claim 1.

As a non-limiting example, the present invention of claim 1, for example, is directed to an air circulating device including a housing and a fan within the housing operable with power from a power source. The housing includes air inlet and outlet ports arranged to be in or closely adjacent with opposing surfaces of the housing. The housing further includes a plug provided on a surface of the housing to be connected to a power source. The air circulating device is structurally supportable by the plug when the device is connected to a wall outlet. The rotating direction of the fan is changeable such that the air blowing directions of the inlet and outlet ports are able to be selectively changed.

Pedrotti discusses a wall-mounted plug-in appliance that includes a housing and a plug assembly. The plug assembly includes a fan unit 260, air inlets 280 for supplying air to the fan unit 260 and vents 310 out of which the airstream exits. The plug assembly further includes at least one integral extra outlet to which another electrical appliance can be plugged in. A back shell 220 includes the air inlets 280, while a front shell 150 includes the vents 310.

Pedrotti does not, however, discuss or suggest that the rotating direction of the fan is changeable such that air blowing directions of the inlet and outlet ports are selectively changeable. Pedrotti only discusses that air inlets 280, provided on the back shell 220, supply air to the fan unit 260 within the housing and that the airstream exits the vaporizer through the vents 310. Pedrotti does not discuss or suggest that the direction of air through or out of either of the air inlets 280 or vents 310 is able to be altered or that a user is able to selectively change the air blowing direction such that air inlets 280 and vents 310 are able to function as both air inlets and air outlets.

Therefore, as Pedrotti does not discuss or suggest that “the rotating direction of the fan is changeable such that air blowing directions of the inlet port and outlet port are selectively changeable,” as recited in amended independent claim 1, claim 1 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the § 102(a) and 102(e) rejections are respectfully requested.

Claims 7 and 10 depend either directly or indirectly from independent claim 1 and include all the features of claim 7, plus additional features. Accordingly, withdrawal of the § 102(a) and 102(e) rejections are respectfully requested.

II. Rejections under 35 U.S.C. § 103

Claim 8

In the Office Action, at page 3, claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Pedrotti. This rejection is respectfully traversed.

As discussed above with respect to amended independent claim 1, Pedrotti does not discuss or suggest all the features of amended claim 1. Claim 8 depends indirectly from claim 1 and includes all the features of claim 1, plus additional features that are not specifically discussed or suggested by Pedrotti. For example, claim 8 recites that "the socket is provided opposite to the surface of the housing having the plug." Therefore, claim 8 patentably distinguishes over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 2, 3 and 14

In the Office Action, at page 3, claims 2, 3 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pedrotti in view of U.S. Patent No. 6,725,797 to Hilleman. This rejection is respectfully traversed.

As discussed above with respect to amended independent claim 1, Pedrotti does not discuss or suggest all the features of claim 1. Hilleman fails to make up for the deficiency in Pedrotti. Hilleman merely discusses an apparatus for propelling a surface ship through water including an inlet 96 for water provided at a front of the submarine and an nozzle region 50 designed to provide thrust and resemble a nozzle region for a stream of airflow found in jet engines. Hilleman does not suggest that the rotating direction of a fan is changeable such that air blowing directions of the inlet port and outlet port are selectively changeable

Claims 2 and 3 depend either directly or indirectly from claim 1 and includes all the features of claim 1, plus additional features that are not specifically discussed or suggested by Pedrotti. For example, claim 8 recites that "the socket is provided opposite to the surface of the housing having the plug." Therefore, claim 8 patentably distinguishes over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Regarding claim 14, Pedrotti does not discuss or suggest, as the Examiner concedes, that the inlet port is provided at a front of the housing and the outlet port is provided on a rear circumferential surface of the housing such that air drawn in the inlet port and out the outlet port is forced out the outlet port in a direction substantially parallel to a surface supporting a power outlet connectable with the plug provided on the surface of the housing. The Examiner

indicates, though, that Hilleman makes up for the deficiencies in Pedrotti. The Applicants respectfully disagree.

Hilleman only discusses that the water is passed into the nozzle region 50 and exhausted out of the nozzle region 50 as an exhaust jet to provide high velocity water jet propulsion. Hilleman does not discuss or suggest that an outlet port is provided on a rear circumferential surface of the housing. The nozzle region 50 is not provided on a rear circumferential surface of the submarine 10. Further, Hilleman does not discuss or suggest that the air drawn in the inlet port is forced out the outlet port in a direction substantially parallel to a surface supporting a power outlet connectable with the plug provided on the surface of the housing.

Hilleman shows only that water is expelled up and away from the surface of the submarine 10, but does not suggest that the water is either expelled in a direction substantially parallel to the surface of the submarine, nor does Hilleman suggest that the water is expelled in a direction substantially parallel to a surface supporting the submarine. Claim 14 recites that "the inlet port is provided at a front of the housing and the outlet port is provided on a rear circumferential surface of the housing such that air drawn in the inlet port and out the outlet port is forced out the outlet port in a direction substantially parallel to a surface supporting a power outlet connectable with the plug provided on the surface of the housing." Hilleman is not suggestive of such an occurrence.

In addition, the motivation provided of helping to lower frontal drag and create a positive circulation is entirely inadequate to suggest combining a rotatable plug assembly connectable to an outlet with a submarine having a nozzle unit to suggest the features of claim 14. Specifically, the motivation could not possibly suggest to one of ordinary skill that the rotatable plug assembly of Pedrotti would be combined with the submarine of Hilleman such that air would be forced out of the outlet port in a direction substantially parallel to a surface supporting a power outlet connectable with a plug provided on the surface of a housing. The motivation of lowering frontal drag is entirely unsuggestive of combining the teachings of Pedrotti and Hilleman to suggest the features of claim 14.

Therefore, as the combination of the teachings of Pedrotti and Hilleman does not suggest all the features of claim 14 and as the motivation cited is inadequate to suggest combining the teachings of Pedrotti and Hilleman, claim 14 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claim 4

In the Office Action, at page 4, claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Pedrotti in view of U.S. Patent No. 6,769,140 to Olivier. This rejection is respectfully traversed.

As discussed above with respect to independent claim 1, Pedrotti does not discuss or suggest that selective air movement directions of the air circulating device are controlled through the inlet port and the outlet port, and Pedrotti does not discuss or suggest, as conceded by the Examiner, the use of a mode switch that controls the selective air movement directions, as recited in independent claim 4. The Examiner indicates that Olivier makes up for the deficiency in Pedrotti. The Applicants respectfully disagree.

Olivier discusses a toilet seat that includes a bi-directional fan 50 that rotates clockwise for delivering air to one area of a user and anti-clockwise for delivering area to another area of a user. Olivier further discusses that a switch causes a control means to activate the fan motor.

First, Olivier merely discusses that the fan 50 is bi-directional, but does not discuss or suggest that selective air movement directions through an inlet port and an outlet port are controlled by operation of a mode switch. Olivier does not suggest that the direction of air movement into and out of an inlet port and an outlet port are selectively controlled, but merely that the direction of the fan 50 is controlled.

Second, the motivation cited of "creat[ing] air-circulation in the desired direction" is entirely inadequate to suggest combining the rotatable plug assembly of Pedrotti with a bi-directional fan for a toilet seat to suggest an air circulating device having an inlet port and an outlet port with a plug provided on a surface of the housing to be connected to a power source and structurally supportable by the plug when connected to the wall outlet, and having a mode switch that controls selective air movement directions through the inlet port and the outlet port. Creating air circulation in a desired direction would not be suggestive to one of ordinary skill in the art to combine the teachings of Pedrotti and Olivier. Also, the motivation cited must be found in the prior art and must not be based on the Applicant's own disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See M.P.E.P. § 2142.

Therefore, as the combination of the teachings of Pedrotti and Olivier does not suggest all the features of independent claim 4, and as the motivation cited is inadequate to suggest combining the teachings of Pedrotti and Olivier, claim 4 patentably distinguishes over the

references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 5, 9 and 13

In the Office Action, at page 5, claims 5, 9 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pedrotti in view of Olivier and further in view of Hilleman. This rejection is respectfully traversed.

In a similar argument to that which was discussed above with respect to independent claims 1, 4 and 14, the combination of the teachings of Pedrotti, Olivier and Hilleman does not discuss or suggest all the features of independent claim 5. Specifically, the teachings of Pedrotti, Olivier and Hilleman does not suggest:

a reversible motor, wherein the mode conversion switch changes a rotating direction of the blowing fan, thus allowing the air inlet port to serve as an air outlet port while allowing the air outlet port to serve as an air inlet port,

wherein the air inlet port is provided at a front of the housing and the air outlet port is provided on a rear circumferential surface of the housing, such that, based on operation of the mode conversion switch, air is selectively drawn in the air inlet port and forced out the air outlet port in a direction substantially parallel to a surface supporting a power outlet and selectively drawn in the air outlet port from a direction substantially parallel to the surface supporting the power outlet and forced out the air inlet port,

as recited in independent claim 5.

Further, the motivation cited of lowering frontal drag is entirely inadequate to suggest combining a rotatable plug assembly with the inlet and outlet ports of a submarine and a bi-directional fan of a toilet seat.

Thus, as the combination of the teachings of Pedrotti, Olivier and Hilleman does not suggest all the features of independent claim 5, claim 5 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 9 and 13 depend either directly or indirectly from independent claim 4 and include all the features of claim 4, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 9 recites that "the inlet port is provided at a front of the housing and the outlet port is provided on a rear circumferential surface of the housing such that air drawn in the inlet port and out the outlet port is forced out the outlet port in a direction substantially parallel to a surface supporting a power outlet connectable with the plug provided

on the surface of the housing.” Further, Hilleman fails to make up for the deficiencies in Pedrotti and Olivier with respect to independent claim 4. Therefore, claims 9 and 13 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claim 6

In the Office Action, at page 5, claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Pedrotti in view of U.S. Patent No. 5,833,349 to Apple. This rejection is respectfully traversed.

As discussed above with respect to amended independent claim 1, Pedrotti does not discuss or suggest all the features of claim 1. Apple fails to make up for the deficiency in Pedrotti. Apple merely discusses that a timer may turn a night light off after a set period of time. Apple does not suggest that the rotating direction of a fan is changeable such that air blowing directions of the inlet port and outlet port are selectively changeable. Accordingly, the combination of Pedrotti and Apple does not suggest all the features of independent claim 1.

Claim 6 depends directly from independent claim 1 and includes all the features of claim 1, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 6 recites “a timer mounted to a predetermined portion of the housing, wherein the timer controls an operating time of the blowing fan.” Therefore, claim 6 patentably distinguishes over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Conclusion

In accordance with the foregoing, claim 1 has been amended. Claims 11 and 12 were previously cancelled. Claims 1-10, 13 and 14 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

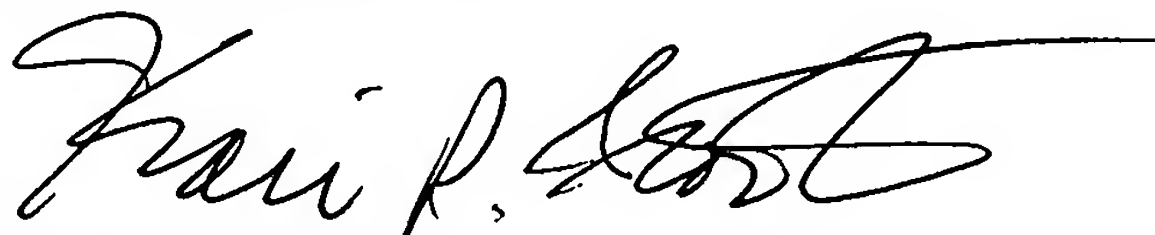
Respectfully submitted,

STAAS & HALSEY LLP

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1/12/07

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